

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII**

In re:

JOHN LANGENSTEIN, DEBTOR

CHAPTER 13 BANKRUPTCY CASE
NO. 09-00516

DECLARATION OF EDEE GREMORE
IN SUPPORT OF OBJECTION TO
CHAPTER 13 PLAN

**DECLARATION OF EDEE GREMORE IN SUPPORT OF OBJECTION TO
CHAPTER 13 PLAN**

I, Edee Gremore, am the Trustee of Freedom Nevada Trust, a creditor in the above entitled action, am competent to testify as to the matters contained in this Declaration based upon my personal knowledge.

1. On March 4, 2004, Freedom Nevada Trust entered into a Promissory Note with the John Langenstein Family Trust in the amount of \$30,000.00. A copy of the Note is attached as Exhibit A.

2. From November 1, 2004 to February 1, 2009, Freedom Nevada Trust made monthly payments of \$566.14 payable to John Langenstein individually in the manner which was customary between us.

3. On behalf of Freedom Nevada Trust, I made monthly payments to John Langenstein in the six months prior to the filing bankruptcy,

but not the payment due on March 1, 2009. The dates of payment which cleared the bank account for Freedom Nevada Trust were:

September 2008	Check # 1094	Cleared 10/08/2008
October 2008	Check # 1095	Cleared 10/28/2008
November 2008	Check # 1096	Cleared 11/28/2008
December 2008	Check # 1097	Cleared 01/06/2009
January 2009	Check # 1098	Cleared 01/22/2009
February 2009	Check # 1099	Cleared 02/18/2009

4. I am the recipient of the email from John Langenstein, from his E-mail address, kona-coffee@hawaii.rr.com, to my E-mail address, pinklipstick@cox.net.

5. On April 7, 2009, John Langenstein sent an e-mail to me asking for the "loan" payment to be made to him. A true and correct copy of this E-Mail is attached hereto as Exhibit B.

6. On March 11, 2009, the date of the filing of the chapter 13 petition by the Debtor, the balance owing under the Promissory Note was \$4,529.12. See, Exhibit C.

7. I have reviewed the Schedules and Statements filed by the debtor in this case on April 17, 2009, ten days after his e-mail to me regarding the "loan" payment.

8. The John Langenstein Family Trust was not scheduled on Schedule B as an asset.

9. The payments contractually due under the Note in the amount of \$566.14 were not listed as income on Schedule I.

10. The payments made by Freedom Nevada Trust and received by John Langenstein in October, November and December of 2008 and

January and February of 2009 were not included in the six months average income on Line 9, or any other part of the Official Form B22C, filed by the Debtor in this case.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING FACTS ARE TRUE AND CORRECT BASED UPON THE BEST OF MY BELIEF.

Dated: Las Vegas, Nevada; May 21, 2009.

Edee Gremore Trustee
Edee Gremore, Trustee
FREEDOM NEVADA TRUST

Promissory Note

Exhibit A

\$30,000.00

For value received, the Freedom Nevada Trust ("Payor") promises to pay to John Langenstein Family Trust ("Payee") the sum of Thirty Thousand Dollars (\$30,000.00), with interest thereon at the rate of 5% annually, payable in 60 monthly payments of \$566.14 each, due on the first day of each month, commencing May 1, 2004 until paid in full. There shall be no prepayment penalty. Should Payor be more than 20 days late on any payment, there shall be a late fee added to the late payment of 5% of the payment due.

Should Payor be more than 30 days late on any payment, it shall be deemed a default. Upon such a default, the whole sum of principal and interest shall become immediately due and payable at the option of the holder of this Note if not cured within 15 days after written notice from Payee to Payor.

This Note is unsecured.

This note shall be governed by, and construed in accordance with, the laws of the State of Nevada. Any action to enforce the provisions of this Note shall be brought in the Eighth Judicial District, Clark County, Nevada.

In the event a suit is commenced to enforce the terms of this note, the prevailing party is entitled to reasonable attorneys' fees and costs incurred.

IN WITNESS WHEREOF, Payor has caused this note to be executed.

DATED this 4 day of March, 2004.

Edele Coremore
Freedom Nevada Trust

SUBSCRIBED AND SWORN TO before me
this 4th day of March, 2004.

Kim M. Chitwood
Notary Public

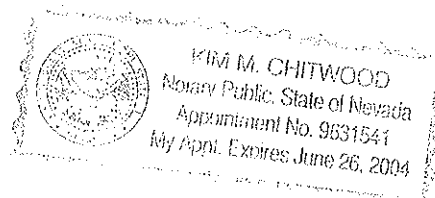


Exhibit A

Jeffrey Gremore

From: Edee Gremore [pinklipstick@cox.net]
Sent: Tuesday, May 19, 2009 7:23 AM
To: konaman@cox.net
Subject: FW: loan payment
Attachments: _AVG certification_.txt

From: John Langenstein [mailto:kona-coffee@hawaii.rr.com]
Sent: Tuesday, April 07, 2009 1:04 PM
To: Edee Gremore
Cc: Richard McKnight, Esq.
Subject: loan payment

Edee Gremore,

Your payment on the loan to John Langenstein has not been received for March, 2009 nor April, 2009. Please remit payment immediately.

John Langenstein

This e-mail message and the information it contains are intended to be privileged and confidential communications protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you have received this e-mail message in error, please notify the sender by e-mail at kona-coffee@hawaii.rr.com and permanently delete this message

\$30,000.00 Loan Payment Schedule

<u>Payment Amount</u>	<u>Amount Paid</u>	<u>Date of Payment</u>	<u>Check Number</u>
\$566.14	\$566.14	11/1/2004	1009
\$566.14	\$566.14	12/1/2004	1013
\$566.14	\$566.14	1/1/2005	1016
\$566.14	\$566.14	1/31/2005	1019
\$566.14	\$566.14	3/1/2005	1022
\$566.14	\$566.14	4/1/2005	1026
\$566.14	\$566.14	5/1/2005	1029
\$566.14	\$566.14	6/1/2005	1032
\$566.14	\$566.14	7/1/2005	1037
\$566.14	\$566.14	8/1/2005	1038
\$566.14	\$566.14	9/1/2005	1040
\$566.14	\$566.14	10/1/2005	1043
\$566.14	\$566.14	11/1/2005	1044
\$566.14	\$566.14	12/1/2005	1048
\$566.14	\$566.14	1/1/2006	1050
\$566.14	\$566.14	2/1/2006	1052
\$566.14	\$566.14	2/28/2006	1054
\$566.14	\$566.14	4/1/2006	1056
\$566.14	\$566.14	4/26/2006	1058
\$566.14	\$566.14	6/1/2006	1062
\$566.14	\$566.14	7/1/2006	1063
\$566.14	\$566.14	8/1/2006	1067
\$566.14	\$566.14	9/1/2006	1068
\$566.14	\$566.14	10/1/2006	1069
\$566.14	\$566.14	11/1/2006	1070
\$566.14	\$566.14	12/1/2006	1072
\$566.14	\$566.14	1/1/2007	1073
\$566.14	\$566.14	2/1/2007	1074
\$566.14	\$566.14	3/1/2007	1075
\$566.14	\$566.14	4/9/2007	1076
\$566.14	\$566.14	5/1/2007	1077
\$566.14	\$566.14	6/1/2007	1078
\$566.14	\$566.14	7/1/2007	1079
\$566.14	\$566.14	8/1/2007	1080
\$566.14	\$566.14	9/1/2007	1081
\$566.14	\$566.14	10/1/2007	1082
\$566.14	\$566.14	11/1/2007	1083
\$566.14	\$566.14	12/1/2007	1085
\$566.14	\$566.14	1/1/2008	1086
\$566.14	\$566.14	2/1/2008	1087
\$566.14	\$566.14	3/1/2008	1088
\$566.14	\$566.14	4/1/2008	1089
\$566.14	\$566.14	5/1/2008	1090
\$566.14	\$566.14	6/1/2008	1091
\$566.14	\$566.14	7/1/2008	1092
\$566.14	\$566.14	8/1/2008	1093
\$566.14	\$566.14	9/1/2008	1094
\$566.14	\$566.14	10/1/2008	1095
\$566.14	\$566.14	11/1/2008	1096
\$566.14	\$566.14	12/1/2008	1097
\$566.14	\$566.14	1/1/2009	1098
\$566.14	\$566.14	2/1/2009	1099
\$566.14			
\$566.14			
\$566.14			
\$566.14			
\$566.14			
\$566.14			
\$33,968.40	\$29,439.28		

Balance Due: \$4,529.12

Check Payable to:
 John Langenstein
 PO Box 615
 Honaunau, HI 96726